

ALPINE CITY COUNCIL MEETING AND PUBLIC HEARINGS
Alpine City Hall, 20 North Main, Alpine, UT
August 23, 2016

I. CALL MEETING TO ORDER: the meeting was called to order at 7:00 pm by Mayor Sheldon Wimmer.

A. Roll Call: The following Council Members were present and constituted a quorum:

Mayor Sheldon Wimmer

Council Members: Troy Stout, Ramon Beck, Roger Bennett, Lon Lott

Council Members not present: Kimberly Bryant was excused.

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Fire Chief Brad Freeman

Others: Morgan Lynch, Paul Bennett, Jeff David, Mike Paiser, Susan Paiser, Loraine Lott, Mary Wimmer, Brian Higbee, Melissa Brooks, Kent Partna, Sylvia Christiansen, Todd Barney, Cathy Barney, Tammy Peterson, Micah Harley, Seth Sunderlage, Talmage White, Cade Nielson, Craig Skidmore, Breezy Anson, Suzi Lundell, Diane Barber, Lone Peak Mountain Bike Team, Judge Doug Nielsen, Penny Linford, Clay Linford Hadley Peay, Robert Hammond, Ryan Dittmer, Jonas Clark, Carla Merrill, Solomon Dittmar, Ryder Pate, Shane Morris, Zach Davis, Eli Martinez, Castor Eakins, Troy Ellis, Andra Ellis, Griff Johnson, Jason Theline, Vanessa Thelin, Jill Bergman, Stephanie Gunn, Ben Gunn, Diane Baker, Annette Flygare, Kurt Flygare, Michelle Hansen, Sarah Blackwell, Holly Reynolds, Chris Lundell, Tessa White, Prenten Frazier, Bryan Hofheins, Ian Clark, Michelle Z. Smith, Trent Edwards, Vince Edwards, Leroer Edwards, Claire Johnson, Hunter Nelson, Maddie Seegmiller, Will Jones, Marin Hammer, Giselle ???, Kolten Smith, Carson Siggy, Eli Vallejo, Jacob Dutton, Dallin Bartlett, RJ Scott, Ben Batchelar, Eric Johnson, Easton Matthews Nolen Shubin, Clay Shubin, Susan Ham, Angie Copeland, Allison Telmant, Conner Kay, Braden Porter, Blake Smith, Nathan Asay, JJ Payne, Nathan Hutton, Boman Johnson, Ben Hammon, Canter Hall, Hyrum Tasso, Zach Fruit, Brad Fruit, David Larsen, Tate Kocsis, Sam Kocsis, Derk Ransom, Hunter Rome, Blyth Larrabee, Stan Larrabee, Lon Higbig, Clark Olsen, Diana Lacey Janis Trinnamon, Kathy Palmer, Velyn Tassainer, Gary Tassainer, Pam Madsen, Steve Snyder, Cheri Keller, Scott Van Wagoner, Davy Kamer, Jessica Smuin, David Hansen, Davy Kammer

B. Prayer: Lon Lott

C. Pledge of Allegiance: Mike Paiser

II. PUBLIC COMMENT

Davy Kammer said he was the head coach of the Lone Peak bicycle team. He wanted to comment on an agenda item but they had a hundred kids at the meeting who were in the middle of practice so he asked permission to speak during public comment. He asked if he could turn the time over to Clay Schubin who was another coach of the Lone Peak bicycle team and also an Alpine resident. Mayor Wimmer indicated that would be fine.

Clay Schubin said it had been made known to them that some additional development and paving was planned for Lambert Park and he wanted to address that relative to mountain biking. He said mountain biking was the sport that was seeing the largest growth. It was changing the lives of a lot of kids. Anyone could participate whether they were fast or slow, they were still part of the biking community. It was having a tremendous impact on the youth and it was also impacting the trail system. They were working with other schools who had teams of 200 to 300 kids and were trying to manage the use of the parks. The trail systems in Highland Hollow and Draper were being expanded. They were concerned that Alpine was actually cutting up their existing trail system. He apologized that he didn't know the details of the plan but he would like to discuss what they could do about it.

Troy Stout asked about the growth of the sport in the last two years and how Mr. Schubin saw it trending. Mr. Schubin said that Dr. Scott Van Wagoner, who present and was also an Alpine resident, had started the team five years ago with nine kids. It had grown to over 200 kids. It was the fastest growing high school sport in the state with 52 teams and over 2,000 kids in the program. He said the Lone Peak team practiced in Lambert Park and had been for five years. There were five other teams who also used Lambert Park and there could be 300 to 400 kids a week practicing in the park. He said the paved road would cut across four trails which created safety concerns for the kids and others who used the park. Construction of 60 plus homes in the next four or five years would add to the safety concerns with dump trucks and other construction traffic the environmental impact. If the road was paved they

would lose that open space and it would be set in stone. They couldn't go back on it and they already didn't have enough open space. He said that 40% of the team were Alpine kids and 50% of the coaches were Alpine residents. He wanted to say that they were there that evening to express their opposition to paving the road. He said he believed the residents would be willing to drive another mile or half-mile to get to their homes without cutting across the park.

Mr. Schubin said mountain biking was like no other sport in the schools. There were no tryouts, no one sat on the bench. Everyone participated including kids with disabilities. Everyone got to ride. He said the program changed lives and got kids exercising. If they lost open space, they would lose space to practice.

Mayor Wimmer said Lambert Park would not be shrinking in any way, in fact they may be acquiring additional land. He said his concern was that if there were two or three hundred kids using the park plus other kids coming in, they were loving the park to death. There was a concern about how they would manage it. He said the park was beneficial to many who used it for walking or riding horses. The City was working with Draper in developing other trail systems. Mayor Wimmer said that if the road ended up being paved, there would be underpasses so the bikers could pass safely underneath. He said he was also concerned about what would happen if they put all that traffic onto Grove Drive.

Clay Schubin said they'd had some close calls where the trail came down onto the road. During practice they put an adult at the end of the trail to direct traffic. They didn't want to see a paved road through their park because it would open the door to more development in Lambert Park and they would be losing even more space. He said Lambert Park was an amazing park in the state of Utah. Alpine and Draper were the only two cities that embraced preserving and protecting open space. He asked that the Council vote no on paving the road.

Troy Stout said he opposed paving the road. In fact, the Council had sent a letter to the County a few years ago stating that the City Council was opposed to paving that road. He recognized that things changed depending on who was in office but he opposed paving the road. It was irreversible and it created a black ribbon through the park.

Clay Schubin thanked the mayor and council for their time and letting them comment; the team would be returning to their practice.

Troy Stout said it was apparent that the park was being loved to death. There was a 300 to 500 percent increase in the use of the park in the last two years. They may want to regulate how often it would be used for team practices. At present it was random and there were times when there were 500 or 600 bikers going through the park at high speeds. Horseback riders and walkers had no chance. He said the Council had discussed putting signs in the park and that still had not been done.

Morgan Lynch said he lived on Moyle Drive. He was curious if a study had been conducted on the safety and environmental impact in Lambert Park. Two studies had been done on deer issues and he expected the Council would also do a study on noise and traffic in the park, and the impact a paved road would have so that information could be part of the discussion.

Zack Whitiker said his Eagle project would be to put in a bicycle rack by the pickle ball court in Burgess Park. He planned to hold a fund raiser to raise money to put in a cement pad. He knew someone who owned a bike shop and would donate the bike rack. Shane Sorensen said the City had just seeded some of the areas in the park so they would need to coordinate on the location of the rack.

III. CONSENT CALENDAR

A. Approve minutes of July 26, 2016 City Council meeting

MOTION: Lon Lott moved to approve the Consent Calendar. Troy Stout seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Troy Stout, Ramon Beck voted aye. Motion passed.

IV. REPORTS AND PRESENTATIONS: None

V. ACTION/DISCUSSION ITEMS

A. Resolution No. R2016-08 – Appointing Temporary Judges in the Alpine City Justice Court:

Mayor Sheldon Wimmer introduced Judge Doug Nielson who was serving as the judge in the Alpine City Justice Court.

Judge Nielsen said he had been appointed by Governor Herbert as a judge in the 4th District Juvenile Court and would begin on October 3, 2016. It was a bittersweet opportunity because he would miss working with the community but he loved working with the youth and their families. He was proposing the cities approve Scott Mickelsen as the interim judge for four months. Appointing a new judge was a process that took two or three months and the position wouldn't be noticed until September 22nd. Judge Nielsen said Scott Mickelsen had been a judge for a number of years and would do a great job. Judge Mickelsen was not a candidate for his replacement which brought integrity to the selection process. He said it was also proposed that Judge Sherlynn Fenstermaker be appointed as a backup judge. He expected she wouldn't be needed much because Mickelsen had already committed to every Thursday. Highland City had already approved the same resolution.

David Church explained that Alpine City had their own justice court as did Highland City, but the two cities had an informal agreement to share the same judge and court staff and building. The cities were drafting a new interlocal agreement. He said the process for appointing a justice court judge was much more formal and complicated than it was when Judge Nielsen was appointed so it took longer. They were treated like district court judges whose names were vetted by committee. The mayor would still appoint the judge but with limited applications. He said the court needed to continue to function so the Council needed to appoint temporary judges.

MOTION: Ramon Beck moved to approve Resolution No. R2016-08 appointing temporary judges for the Alpine City Justice Court. Troy Stout seconded. Ayes: 4 Nays: 0. Ramon Beck, Troy Stout, Roger Bennett, Lon Lott voted aye. Motion passed.

B. Urban Deer Committee Report: Mayor Wimmer said the Deer Committee would be reporting on their findings on the deer problem but he would not be asking for public comment nor would the Council be making a decision that night. They would discuss it at a later date.

Brian Higbee had served on the Deer Committee and presented their finding. He complimented the Council for forming a committee in the first place and said a lot of work had gone into it. He made a power point presentation and reviewed the actions of the committee which were:

- Conduct a citywide survey to gauge resident views on urban deer in the city.
- Conduct deer census/count
- Review safety and damage records
- Identify what other cities are doing or have done to control deer if anything
- Identify education materials/actions residents could take to live with wildlife

Mr. Higbee said Mayor Don Watkins had conducted a survey in 2015 but the deer question was embedded in an overall city questionnaire and did not provide specifics. The committee conducted their own survey and tried to reach out to the entire city rather than just those who would react. Surveys were delivered to all the areas. They wanted to obtain the following information from residents.

Question

Results

1. What they wanted done about the deer.

- | | |
|--|-----|
| • Do nothing and leave them alone | 18% |
| • Do nothing and educate the residents | 42% |
| • Trap and release the deer somewhere else | 13% |
| • Harvest or kill the deer | 27% |

2. Where the respondents lived by area. Mr. Higbee noted that some areas had larger lots so the number of homes in a particular area would be smaller than other comparably sized areas. Residents of 948 homes had responded to the survey. The percentage of the response from each area was noted in survey results.

- NW (northwest) 13%
- NE (northeast) 19%
- Center 28%
- SW (southwest) 14%
- SE (southeast) 26%

3. Was having wildlife in the city important to them?

- Absolutely 40%
- Somewhat 25%
- Not at all 35%

4. Whether they had sustained property/physical damage due to deer.

- Significant 18%
- None 20%
- Moderate 23%
- Minimal 39%

5. Whether they wanted the city to use city money to address the options

- Yes 47%
- No 41%
- No opinion 12%

6. What steps had already been taken by residents to deal with the deer problem.

- Fencing 37%
- Selective vegetation 35%
- Motion/sound devices 5%
- Sprays/deer scam, etc 15%
- Other 4%

Brian Higbee said that if the City chose to transport the deer, there were groups what would help.

The main complaints about the deer were that they ate or caused damaged to landscaping and gardens, left droppings in the yard which were unsightly and possibly unhealthy, presented a driving hazard on roads, and were becoming too familiar with people or were aggressive and had harmed domestic animals.

The reasons people liked the deer were because they had moved to Alpine to enjoy natural surroundings. They enjoyed watching the deer. Humans had moved into their habitat so we should adjust to them. The deer served as a reminder to drive safely. Without suitable deer populations, predators would be more aggressive towards humans and pets.

Brian Higbee said Alpine was a mountain community and he felt there were some special things they could do. There was information in the packet from Robert Edgell who proposed planting feed that the deer liked in the mountains so the deer would move up to another level. Different things would be planted for different seasons.

Regarding safety comparisons with other communities, Mr. Higbee said Alpine had no outlet for cars passing through. The highest speed limit in Alpine was 40 mph. They could drop the speed limit further to reduce collisions with deer. Most of the accidents with deer were on higher speed roads.

Regarding other risk factors, there were no known cases of Lyme disease in Utah. Brucellosis did exist in populations of large, hoofed mammals.

A deer count was done on June 29, 2016 which resulted in the count of 9 deer on 1,000 acres in Alpine City limits. Since Alpine had an area of 4,000 acres, that would extrapolate to 36 deer in Alpine. A second survey on July 13, 2016 counted 11 deer in a 1000 acres or 44 deer within city limits. A third survey was done on August 8, 2016 which showed 15 deer. Some deer may have been double counted so they estimated there were actually 12 deer or 48 in the entire community.

Brian Higbee concluded that based on the survey, 60% of Alpine residents wanted the deer to be left alone.

Troy Stout said he'd read the entire report and felt the numbers on population did not match his observations. He said there was a herd of 25 deer in his neighborhood that stayed in the same area.

C. Harvest Meadows Concept Plan – 10 S. Long Drive – Public Development Partners: Jason Bond said there were two parts to this agenda item. The first part was to provide information about the proposed subdivision, which consisted of 25 lots on 16.23 acres with lots ranging in size between half-acre to one acre. It was located west of Timberline Middle School. The Planning Commission had reviewed the concept at their meeting of August 16, 2016 and granted concept approval.

The second issue was the length of the culdesac. The ordinance restricted the length to 450 feet. However, the developers were requesting an exception to allow a length of 478 feet in order to avoid having homes front on a collector street. Staff recommended approving the longer culdesac. The radius would remain the same.

Sheldon Wimmer noted that Alpine had one of the shortest culdesac lengths in the county and they may want to discuss that at some point.

Lon Lott asked about having a center island and how the storm water requirements would relate to the development. Shane Sorensen said they would address storm water issues at the preliminary stage.

MOTION: Ramon Beck moved to accept the proposed culdesac length exception of 478 feet for the proposed Harvest Meadows subdivision. Lon Lott seconded. Ayes: 4 Nays: 0. Ramon Beck, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

D. PUBLIC HEARING ON COCOLALLA ANNEXATION

Mayor Wimmer opened the public hearing and introduced the proposed annexation. It consisted of 11.9786 acres and was located at approximately 13322 N. Grove Drive. It consisted of three properties, respectively owned by Josh James, Greg Link, and Roger Zurcher. The original annexation petition came to the City Council because one of the property owner wanted to be on Alpine City's culinary water system. Alpine City did not provide culinary water service to properties outside city limits so the property owner petitioned to annex. The Council requested that the adjoining property owners also be approached about annexing into Alpine City and they agreed.

Michelle Smith asked exactly where the property was located. Shane Sorensen said it was south of Alpine Cove and showed its location on the map.

There were no more public comments and the hearing was closed.

E. Ordinance No. 2016-19 - Cocolalla Annexation

MOTION: Troy Stout moved to suspend the vote on the Cocolalla annexation until they had a full quorum, and stated that he felt they should have a full quorum for any annexation. Motion died for lack of a second.

Lon Lott noted that Kimberly Bryant had previously voted in favor of considering the annexation.

In response to a question about the number of votes required for annexation, David Church said it was like most other issues the Council voted on. As adopted by ordinance, an action needed three “yes” votes to pass.

Roger Bennett said the petitioner would need to meet the water policy in order to be connected to the culinary system. David Church said Mr. James had already done that. The other two property owners who had signed the petition had not requested a connection to the culinary water system. They were either on the Alpine Cove water system or had wells.

Shane Sorensen said one of the three properties was served by the City’s pressurized irrigation system. Lon Lott asked about frontage on Grove Drive. David Church said that Grove Drive was in the county. The City was only annexing the property owned by individuals.

Regarding snow removal on Grove Drive, Shane Sorensen said Alpine City had jurisdiction up to the turn.

Troy Stout asked if they were proposing development on the land. David Church said they were not. The only reason they wanted to be annexed into Alpine was because they wanted city water and the policy was that Alpine City did not provide culinary water service outside the city.

MOTION: Ramon Beck moved to adopt Ordinance No. 2016-19 approving the Cocolalla annexation. Roger Bennett seconded. Ayes: 4 Nays: 0. Ramon Beck, Roger Bennett, Lon Lott, Troy Stout voted aye. Motion passed.

F. PUBLIC HEARING ON LAMBERT PARK ESTATES ANNEXATION (FORMERLY CALLED BOX ELDER SOUTH)

David Church said Lambert Park Estates was the approved subdivision in Utah County that had caused so much consternation. The annexation had nothing to do with whether or not the road through the park was paved. When the plat was approved in the county, the City Council had tried to force it in because they thought the City should get the development fees since the development would create an impact on the City. The developers said no because they weren’t approved or recorded in the county. Once the subdivision was approved and recorded in Utah County, the developers submitted an annexation petition to Alpine City. The City accepted the annexation petition and started the process. Since the subdivision was already recorded in the county, annexing it would not affect the number of lots. The only difference would be that it would be part of Alpine City instead of the county. It would not change the argument over the road. Mr. Church said the Council should be aware that the landowner had requested that the Council not vote on the annexation that evening because they didn’t want to annex without a specific agreement. The landowners were concerned about how the City would treat their open space so they would withdraw their petition rather than allowing it to be annexed without an agreement with Alpine City. They did have a right to withdraw their petition.

Troy Stout said that he wanted to clarify what Mr. Church said about annexing the subdivision and that it would have no impact on the road. He said members of the Council had said they would support paving the road.

David Church said that when they had 59 new homes up there, people would start driving on the road. When Box Elder was built, the City committed to a second access for emergency use.

Troy Stout said the Council had sent a letter to the County stating that they opposed paving the secondary access road.

Mayor Sheldon Wimmer opened the public hearing.

Jill Bergman at 1261 Grove Drive said Lambert Park was sacred to her. She asked if, when the subdivision was first initiated, there wasn’t another road other than the one going to Moyle Drive.

David Church said Lambert Park Estates (aka Box Elder South) had only one access. The 1998 masterplan showed a north/south road and an east/west road. The east/west road went to Moyle Drive and was classed as an emergency access. There was no current access from the south because it would have to cross undeveloped private property.

Jill Bergman asked if Moyle Park was no longer sacred. If the road to Moyle Drive was supposed to be used only as an emergency access, how would they enforce that?

Sheldon Wimmer said that in speaking with the fire marshal, there needed to be another access in the event that Grove Drive was shut off. It would need to be a road that could get an ambulance and fire truck up there. They had an obligation to consider the people living there and their safety.

Troy Stout said he understood that they had an obligation to provide support to residents within Alpine City limits, but he didn't think they were obligated to provide service for people outside the city. If that subdivision was annexed, the City would feel an obligation to provide access for them.

Ramon Beck said the people would still be there whether or not it was annexed.

Richard James of 464 Ranch Drive said he had been at a meeting where people were in favor of the development and there was a list of conditions from the City that required them to do certain things, and they, in principle, agreed to them. Did something happen between then and now? He asked what those conditions were.

David Church said that before the County Commissioners approved the Box Elder South subdivision, they sent the developers to Alpine City because they would prefer not to be responsible for development in the county. The City went through a process with them, and there were a series of proposals. One of the things the developer proposed was that they would pay to improve the secondary road. The Alpine City Council refused to annex them so they went back to the County and said they couldn't come to an agreement with the City. The County Commissioners would have liked to make them improve the secondary road but the Council wrote a letter, which Troy Stout referred to, which stated that the Alpine City Council did not want the road paved. At that point the County agreed to approve the subdivision with an unimproved emergency access road.

Steven Snyder at 87 Glacier Lilly Drive so he was the HOA president of the Whitby Woodlands Homeowners' Association. He'd had a lot of neighbors who expressed concern about the development on the mountainsides. He said he was a math guy and when decisions were made, he liked to have a cost/benefit analysis. He said he was concerned that the Council was planning to proceed without a full quorum. Kimberly Bryant was absent and he felt she was quite knowledgeable. He was happy to hear they were postponing a vote on it that evening because it was too monumental of a decision to make without a grand consensus. He felt there should be more transparency about issues they were dealing with. There should have been a banner out in front of City Hall saying they were talking about Lambert Park that evening. The City went to a lot of trouble to get input on the deer survey. It seemed like they should have as much due diligence on this issue. There were huge questions about water, sewer, traffic, the cost of roads, flood attenuation, and liabilities the City would be assuming with an annexation, especially since it was in an alluvial flood plain. He agreed with Ramon Beck's comment that the development was going to be there regardless of whether the City annexed it or not, but he felt they had a chance to educate the public more and have a grand consensus among the citizens and the Council.

Derek Branson at 449 Dry Creek Orchard Lane said he had previously emailed the Council and Mayor about his concerns. He said the developers up there have been very masterful at taking away something that was sacred. It was ironic that they were calling the subdivision Lambert Park Estates when there was no worse steward of Lambert Park. He wanted to know what annexation would mean from the perspective of revenue and liabilities? They were building a densely populated suburb on an alluvial plain with fire danger. The City needed to come up with a real plan for Lambert Park. He understood the City had a tight budget and they prided themselves on keeping property taxes low. The City had an opportunity to purchase it at a rate that was nowhere near what the developer paid for it when it was zoned CE-1, but it was part of a masterplan by the developer all along. The City was losing the battle in a major way. They needed to step back and think about Lambert Park as a whole and decide as a community if they were really committed to preserving Lambert Park. It was an amazing place. No other community had anything like it except for Draper. He said the City couldn't annex it without having a very good sense of what was going to happen with the road.

Craig Skidmore at 13447 Alpine Cove Drive said he did not live in city limits but had been very involved with Lambert Park for many years as the trail master for Alpine City. He said he felt they were being played by the developer, going back and forth to see how much he could get from the county and the city. He said that Alpine City

had one of the best hillside protection ordinances in Utah County. He suggested they apply it. If they did, the number of houses would be about the same but the open space would be very different. The more difficult areas of the property would be open space. They could move the houses away from the poppy fields and do a number of things that would still allow the developers to make as much money as they would with the current plan. If they really wanted to bring the development into the city, it would make good sense to design it according to the city's ordinances.

Michelle Smith at 1365 Box Elder Drive asked the Council if any of them had a mixed allegiance regarding this issue, and if they did they should recuse themselves from voting. For example, if anyone happened to be a character witness for the construction company involved in this development, or if anyone happened to own land directly adjacent to this property, or be a developer for it, they should recuse themselves. She said that in her estimation the Council and Mayorship had competing allegiances between what was happening right now and what would benefit their personal interests.

Jason Thelin said he had a question about the Three Falls development in Fort Canyon. During the process it was determined that it needed a secondary access because of the number of homes in the canyon, but they didn't want it to be a full road because it would scar the mountain. It would be more of an emergency access with a breakaway gate. They didn't want the road to be paved. He said the City had already approved one emergency access with a breakaway gate. This was a similar situation except the road would go through a park. He said he agreed with Troy Stout. If the development was annexed, it was more likely the road would be paved. The annexation and the road went hand-in-hand. He wanted to keep the park as natural as possible.

David Church said the secondary road in Fort Canyon was going to be paved. The developer had requested a gate because they didn't want a lot of sightseers driving through the development but it was not approved.

Troy Stout said he recalled approving a breakaway gate on the second access road. David Church said it was not specified in the development agreement but the road would for sure be paved.

Jason Thelin said that his point was that the secondary road in Three Falls was not a through road and it added about the same number of lots that Lambert Park Estates would.

Jessica Smuin at 1192 Moyle Drive said she wanted to clarify about the road and the secondary. She asked if she was correct in her understanding that if Lambert Park Estates stayed as part of the county, there was no requirement for the secondary road. However, if it was annexed into Alpine City, it would require a paved, secondary road.

Fire Chief Brad Freeman said the development needed to have a secondary road regardless of whether it was in the county or city. It was a requirement of the National Fire Code. The secondary access road for Lambert Park Estates was the same secondary road that the Box Elder subdivision used. The county had required it to be widened it to meet Alpine City's specifications. The road had to be accessible 365 days a year and had to be usable by emergency vehicles such as an ambulance and fire truck.

In response to a question about whether the road had to be paved, Chief Freeman said the Code didn't say it had to be paved but it had to be accessible 365 days a year.

Shane Sorensen said it was tough to plow a gravel road because the snowplows the City used floated. They worked well on a hard surface like asphalt or concrete, but floating would not work on gravel. Possibly if they had a grader or something it would be different.

Jessica Smuin said she understood that it would be tough but would it be possible. Was that something Alpine could do? The majority of the residents did not want a paved road.

Troy Stout said the mayor said that the city code required the secondary access to be paved. So if they annexed it, they would be required to pave it. Was that correct?

Roger Bennett said that the road also served Box Elder subdivision so if that was the case they were violating their own ordinance.

Dave Hansen at 1034 Moyle Drive said he thought some fantastic comments had been made and he would echo them all. There were folks out in the hallway that that hadn't been heard and a lot of people in the room that were coming to make their thoughts known. He hoped that was not lost on the elected officials. The Alpine community was standing up and speaking out. He hoped they would listen.

There were no more comments and the Mayor closed the public hearing.

G. Ordinance No. 2016-20 - Lambert Park Estates Annexation. The vote on this ordinance was postponed.

H. Ordinance No. 2016-15 - Storm Drainage and Flood Plains and Flood Damage: Shane Sorensen said that in March, the state issued new permit requirements for the Utah Pollutant Discharge Elimination System, which required changes to Alpine City's ordinances in regard to storm drainage, flood plains, and flood damage. Jed Muhlestein began updating the City's Storm Drain Manual in order to comply with the permit and discovered that modifications needed to be made to the ordinances. The updates needed to be adopted by September 1, 2016.

He said that since the Development Code was not really the place for design regulations, they had moved them into the manual, and consolidated the information into a one location instead of having to look in different places for the information. Nothing was lost from what was in the books; it was just rearranged. The flood plain regulations were also moved into the manual. He said the requirements for storm drainage were a lot more complicated than it used to be. Prior to this year, if farm ground was developed, they could release the storm drainage at the historical rate. Now there was a flow component that required a certain amount to be retained onsite.

MOTION: Lon Lott moved to approve Ordinance 2016-15 regulating storm drainage, flood plains, and flood damage. Roger Bennett seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

I. Ordinance No. 2016-16 - Amendments to the Storm Water Drainage Design Manual. Shane Sorensen said this ordinance updated the Storm Water Drainage Design Manual, which was where they were moving the updated ordinances from Item H.

Lon Lott asked if new construction would be required to present a plan based on the new manual, and if it would be inspected.

David Church said new construction would have to comply with the new requirements which was one of the reasons the City had hired Jed Muhlestein. He was to manage storm water compliance. The directive came from the state, which was implementing federal requirements. The local government was the entity that enforced it. The City used the storm water utility fee to fund the programs.

Shane Sorensen said they had been able to do some projects related to storm water with the fees collected for storm drainage. He said there were places where the water had to be tested before it was discharged into a stream. With the algae problems in Utah Lake and around the state, he expected that testing would increase. David Church said Salt Lake County was found to be out of compliance and had to pay some big fines.

Sheldon Wimmer said that at the Utah Lake Commission meeting, they were considering those issues. More stringent measures would increase the storm drain fee by at least \$15 a month per residence. If they started testing the storm water, it would be more. The phosphates in the water were causing the algae problem.

MOTION: Lon Lott moved to adopt Ordinance No. 2016-16 amending the Storm Water Drainage Manual. Roger Bennett seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

J. Ordinance No. 2016-17 - Amendments to the Municipal Code. Shane Sorensen said this ordinance amended the section in the Municipal Code related to retaining storm water onsite. The new permit required that any development or redevelopment was required to "prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 90th percent rainfall event."

Prior to issuance of the new permit, developers were required to ensure that the new development's discharge flow rate were less than or equal to the pre-development discharge flow rates. The new permit required that storm water volumes be controlled in addition to flow rates.

MOTION: Lon Lott moved to approve Ordinance No. 2016-17, Amending Sections 14-406 (3) & (4) of the Municipal Code. Roger Bennett seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

K. Ordinance No. 2016-18 - Amendments to all Zones Prohibiting the Construction of Helicopter Pad. Jason Bond said the issue of helicopter pads was raised under public comment during the meeting of July 26, 2016. The Council discussed it and directed him to work on an ordinance that would prohibit helicopter pads in the different zones. Life Flight helicopters would not be affected by the ordinance.

MOTION: Ramon Beck moved to adopt Ordinance No. 2016-18 prohibiting the construction of helicopter pads in Alpine. Troy Stout seconded. Ayes: 4 Nays: 0. Ramon Beck, Troy Stout, Roger Bennett, Lon Lott voted aye. Motion passed.

VI. STAFF REPORTS

Shane Sorensen said they would start the HA5 projects the next day. They had notified all the residents on the street. Overlay projects would be coming up the first part of September.

Sheldon Wimmer said the City was pumping a lot of PI water every day. People were not complying with the watering restrictions. The PI water would be turned off on October 15th.

Rich Nelson said they he would be scheduling a vote on the parks building on 300 North. The second part of Shane Sorensen's water report would be on the next agenda.

VII. COUNCIL COMMUNICATION

Troy Stout had several items.

- He said he had a neighbor who had a construction project in a basement that was inspected and passed and it was completely against code because there were horrible fire hazards. He asked how the City held the building inspectors accountable. Should they be held financially accountable? Rich Nelson said staff would pursue it.
- He asked about regulating the water consumption of dentist who ran a wet-bring vacuum. It consumed about 280,000 gallons a year and there were alternatives available which used less water that they should take a look at. Rich Nelson asked him to email the information to him.
- He asked when they City would address putting up a split rail fence in Lambert Park on the southern boundary. Money had been set aside for it and they needed to do it. Also, they needed to put up the signs in Lambert Park. The other day he was on the Rodeo trail and ran into a whole pack of women walking. He had to go into the bushes to avoid hitting them. With the increased usage of the park, they needed to make signage a priority and get it done before winter. Shane Sorensen said they needed to have someone who was a biker show them where to put the signs.
- The Council had committed to the Smooth Canyon neighborhood to put up signs restricting soccer parking. Where were they? Shane Sorensen said the signs were ordered and should arrive in two weeks. They only had the ones that restricted neighborhood parking. They were hesitant to direct parking to the Healey Church parking lot until they had permission from the church. Lon Lott said they would want to write up an agreement because of liability issues. The Church wasn't opposed to it but they needed an agreement.

Ramon Beck asked when the sidewalk in front of the Mendenhall property would go in. Shane Sorensen said he was working with an engineer on it. They needed a plan to take to Highland City. They also needed a walkway across

Canyon Crest at Allegheny Court so pedestrians could cross the street. Shane Sorensen said they needed to get the sidewalk built on the east side of the road, which they were working on.

Roger Bennett said the crosswalk in front of City Hall needed enforcement. Kids were trying to walk to school and motorists wouldn't stop. Perhaps if they put something in the road, people would pay attention. He said that Purple (the business) was parking their trailers on the street. He had spoken to the police about it. Finally, he said the City should send "Thank You" notes to the people who volunteered and donated money for Alpine Days.

VIII. EXECUTIVE SESSION:

MOTION: Roger Bennett moved to go to Executive Session for the purpose of discussing litigation. Troy Stout seconded. Ayes: 4 Nays: 0. Roger Bennett, Troy Stout, Ramon Beck, Lon Lott voted aye. Motion passed.

At 9:25 pm the Council took a five-minute break then went into closed session.

The Council returned to open session at 9:55 pm.

Shane Sorensen said he'd gotten an email from Ken Anson with UTA who wanted to meet with him and the mayor and Rich Nelson, and get the City's feeling on public transit. They had a small bus that came into Alpine occasionally.

Sheldon Wimmer said they had completed the survey for the Moyle Park fence line. He said the City had agreed to pay half the cost of the fence based on the price of a black-coated chain link fence.

Troy Stout asked if anything had been done about the open space violation on Preston Drive. Rich Nelson said that was one of the items that was bumped from the agenda because it was so long.

MOTION: Lon Lott moved to adjourn. Ramon Beck seconded. Ayes: 4 Nays: 0. Lon Lott, Ramon Beck, Roger Bennett, Troy Stout voted aye. Motion passed.

The meeting was adjourned at 10:03 pm.